

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

**ROGER GLEN McCLAFLIN,**

**Plaintiff,**

**v.**

**NANCY A. BERRYHILL,  
Acting Commissioner of the  
Social Security Administration,**

**Defendant.<sup>1</sup>**

**Case No. CIV-14-1128-CG**

**ORDER**

On September 27, 2016, the Court entered an order and judgment reversing the Commissioner's final decision denying Plaintiff Roger G. McClafin's application for Supplemental Security Income ("SSI") and remanding the case for further proceedings under the fourth sentence of 42 U.S.C. § 405(g). On December 27, 2016, Plaintiff filed a Motion for an Award of Attorney Fees under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. *See* Pl.'s Mot. Att'y Fees (Doc. No. 33).

On January 10, 2017, the Commissioner filed a Stipulated Motion for Award of Attorney Fees under the EAJA, in which the parties stipulate that Plaintiff should be compensated a total of \$6,000.00. *See* Def.'s Stip. Mot. Att'y Fees (Doc. No. 34). Having considered the Motions, the Court GRANTS Plaintiff's request and awards fees in the amount of \$6,000.00. This amount shall be paid directly to Plaintiff and sent in care of

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<sup>1</sup> Per Federal Rule of Civil Procedure 25(d), Acting Commissioner Nancy A. Berryhill is substituted as the successor public officer defendant in this case.

Casey L. Saunders, P.O. Box 2318, Ada, Oklahoma, 74821. If attorney's fees are also awarded under 42 U.S.C § 406(b), Plaintiff's counsel is directed to refund the smaller amount to Plaintiff. *See Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

IT IS SO ORDERED this 10th day of February, 2017.



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CHARLES B. GOODWIN  
UNITED STATES MAGISTRATE JUDGE